



ARIZONA BOARD OF FINGERPRINTING

Good Cause Exception Application

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APPLICATION INSTRUCTIONS

The enclosed application package explains all the requirements for a good cause exception. Please read these instructions carefully to ensure that you submit a complete application. Incomplete applications will cause a delay in the appeal process. If you have any questions about the application requirements, please call the Board office at (602) 265-0135.

What is a good cause exception?

You are applying for a good cause exception because Arizona Department of Public Safety (“DPS”) either denied your application for a fingerprint clearance card or suspended your card. DPS denied or suspended your card because your criminal history included an arrest or conviction for one of the crimes listed in Arizona Revised Statutes § 41-1758.03.

After your denial or suspension, you normally have the right to appeal to the Board for a good cause exception. If the Board grants you a good cause exception, you will get a fingerprint clearance card. It is important that you realize that it is your responsibility to establish the good cause exception; in other words, you are responsible for demonstrating to the Board why you should get a fingerprint clearance card.

What does the Board look at when deciding whether I should get a good cause exception?

When you apply for a good cause exception, the Board will consider your entire state and federal criminal history record. Please note that the Board will examine every criminal arrest or conviction you had at any time in your adult life, even if they do not appear on the letter you received from DPS. Please do not assume that you do not need to address certain arrests or convictions just because they were not on the DPS letter. That assumption may cause your appeal to be delayed.

In addition to your criminal history, the Board will look at the application you submit. The Board will try to determine whether you are rehabilitated and unlikely to commit another crime. There are several factors the Board will consider, including the extent of your criminal history, the length of time since the most recent offense, any pattern of behavior, the nature of the offenses, evidence of positive changes in your lifestyle, the extent to which you have been rehabilitated, completion of probation or parole, completion of treatment or counseling, restitution for a crime, and personal references.

What will happen when I send in my application package?

When you send in your application, the Board staff will review it to determine whether it is complete. If the application is incomplete, a staff member normally will send a letter explaining what was missing. If the application is complete, the Board will review the materials. You will not be present at this part of the appeal process. The Board will decide either to grant you a fingerprint clearance card or schedule you for a hearing. You will receive a letter indicating the Board’s decision. If you were granted a card, DPS will

send one in the mail, usually in no more than seven to ten days. If you were scheduled for a hearing, your letter will give you a tentative hearing date and other information about the hearing.

Whether you are referred to a hearing depends on a number of factors. For example, the Board may need more information than the documents provide and that requires your presence. The Board will always schedule you for a hearing if you submitted an incomplete application and failed to respond to the Board's request for more information; if you do not complete the application before the hearing, your application will be denied. Also, the Board normally will refer you to a hearing if you have not met all your sentencing conditions, such as probation, fines, restitution, community service, counseling, etc.

APPLICATION REQUIREMENTS

Before the Board looks at your application, it must receive a complete application package. Failure to submit a complete application package will delay your appeal and may cause your application to be denied. A complete application must include the following.

- (1) **Application form (completed, signed, and notarized).** Do not fail to answer any of the questions. The application form also requires you to submit a personal statement that explains, from your perspective, every arrest that may be on your criminal history record. Make sure you address every arrest, even if it did not appear on the letter you received from DPS, and even if the arrest did not lead to a conviction. You also may want to describe the positive lifestyle changes you have made.
- (2) **Two letters of reference (completed on the forms provided by the Board).** Both letters must be completed by someone who has known you for at least one year. One form must be completed either by your current or former employer or by someone who has known you for at least three years. You may submit more reference letters, if you like. However, you must submit at least two, and they must be on the enclosed form.
- (3) **Evidence that you have met all sentencing requirements.** For every conviction on your record, regardless of whether the offense appeared on the DPS letter, you must prove to the Board that you met your sentencing terms. Your sentencing terms might have included probation, parole, restitution, fines, community service, counseling, educational classes, drug or alcohol screening, incarceration, etc. To prove that you met these requirements, provide a document from the court that sentenced you that shows you completed the requirements. If you contact the court, and it says it has no record of you, please get a written statement from the court that indicates this. If you have not completed your sentencing requirements, please submit a written statement that indicates what progress you have made toward completing them.
- (4) **Police reports (not required of all applicants).** If any of your arrests occurred within five years of the date your fingerprint clearance card was denied or suspended, you must provide police reports for each arrest, even if the arrest does not appear on the DPS letter, and even if you were not convicted. You must provide the entire report.
- (5) **Disposition information (not required of all applicants).** If your denial or suspension letter indicates that DPS could not find the disposition of an arrest, you must provide court documentation indicating the disposition. ("Disposition" means what finally happened after you were arrested, such as conviction, acquittal, dropped charges, etc.) If you contact the appropriate court, and it says it has no record of you, please get a written statement from the court that indicates this.

AVOIDING COMMON PROBLEMS

- Inform the Board staff of any address changes; in fact, you should consider letting the Board know immediately. The Board will send correspondence to your last known address. If it does not

know of an address change, you may not receive important information. Failure to notify the Board of an address change is not grounds for rescheduling a hearing.

- Before submitting your application, reread these instructions and make sure you have met all the application requirements. An incomplete application will delay your appeal.
- Do not fax your application form. Since the application form is notarized, we will not accept copies. However, you should keep a copy of your application package in case it is lost in the mail. Also, you should send copies of court documents rather than originals because we may not be able to return them.
- Be specific in the personal statement that addresses all your arrests. If your statement is vague, the Board may ask for a more detailed statement, and your appeal will be delayed. Also, make sure the statement is legible. Finally, do not omit any arrests on your record, even if they do not appear on the DPS letter or did not result in a conviction or trial.
- If you are required to submit a police report, be sure you submit the entire report and not just the ticket or citation. The police report will include a narrative that presents the arresting officer's account of what happened. If you submit only the citation, without the narrative, your appeal will be delayed.
- If you believe your criminal history records are inaccurate, contact DPS or the Federal Bureau of Investigation to challenge them. The Board almost always will assume that the information in your criminal history records is accurate. For charges that took place within Arizona, call DPS at (602) 223-2222 to challenge your record or to get a copy of your criminal history. For charges that took place outside of Arizona, call the FBI at (304) 625-5590.
- If you had a conviction vacated or set aside, feel free to send a copy of the court order. This document will show the Board that you do not have any outstanding sentencing obligations. However, an order to vacate or set aside a conviction is not the same as a dismissal, even though the order may use the word "dismissed."

GOOD CAUSE EXCEPTION APPLICATION CHECKLIST

This checklist is meant to help you make certain that your application package is complete. You do not need to submit it with your application package. If you have any questions about the application package or the appeal process, please call the Board of Fingerprinting staff at (602) 265-0135.

- ☐ Good cause exception application form (completed, dated, signed, and notarized)
- ☐ Two reference letters on the Board's form. Both references must be from people who have known you for at least one year. One reference must be either from your current or former employer or from someone who has known you for at least three years
- ☐ Written explanation of every arrest that may be on your criminal history, regardless of whether the arrest appeared on the DPS letter or whether it resulted in a conviction
- ☐ Evidence that you have met all of the terms and conditions of the courts (e.g., probation discharge documents or receipts for fines). If the court says it has no record of you, have the court give you a document that says this
- ☐ Police reports for any arrest that occurred within five years of the date your fingerprint clearance card was denied or suspended
- ☐ If the suspension or denial letter said DPS could not determine the disposition of your arrest, court documents showing the disposition of the charges. If the court says it has no record of you, have the court give you a document that says this